

# Exhibit 1

**Exhibit 1**

VIRGINIA: IN THE CIRCUIT COURT FOR CITY OF LYNCHBURG

JAMES B. FEINMAN,  
And  
LAUREL FEINMAN

Plaintiffs,

v.

TOYOTA MOTOR SALES,  
U.S.A., INC.

**Please Serve:**

Registered Agent:

CT-Corporation-System  
4701 Cox Road, Suite 285  
Glen Allen, VA 23060

Defendant.

COMPLAINT

Case No:

CU5000421-00

Now into Court, through undersigned counsel, comes James B. Feinman and Laurel Feinman, Plaintiffs, and move the Court for judgment against Defendant Toyota Motor Sales, U.S.A., Inc. on the basis of the following facts and law:

1. On or about December 2, 2013 Plaintiffs purchased a new 2014 Toyota Sienna, VIN 5TDDK3DC6ES074447, from the Defendant's authorized dealer, Berglund Oak Ridge Toyota, in Lynchburg, Virginia. At that time the Defendant knew, or should have known, that the vehicle was intended for use in Virginia. The total price of the vehicle was \$48,693.34.
2. The subject vehicle is a "Lemon" under the Virginia Motor Vehicle Warranty Enforcement Act, Va. Code § 59.1-207.9 *et seq* because the Defendant is unable to conform the vehicle to the express warranty thereby substantially impairing the value of the motor vehicle. The Plaintiffs' vehicle makes a horrendous noise the manufacturer

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admits it cannot fix. The manufacturer Defendant, Toyota Motor Sales, U.S.A., Inc., is unable to correct or repair the defect. The defects described constitute serious safety defects making the vehicle unsafe to drive. It is unreasonable for the Plaintiffs to continue to own a new car which is a safety hazard to drive while Toyota Motor Sales, U.S.A., Inc. admits it cannot correct or repair the defects.

3. The Plaintiffs seek a judgment for the (1) full contract price, including but not limited to charges for undercoating, dealer preparation, transportation, installed options, plus the non-refundable portions of extended warranties and service contracts; (2) all collateral charges, including but not limited to, sales tax, license and registration fees, and similar government charges; (3) all finance charges incurred by the Plaintiffs, and (4) any incidental damages and monetary consequential damages, including but not limited to loss of use of the vehicle due to its unsafe operating condition. The Plaintiffs also seek attorney fees in the amount of one-third of the amount recovered (33%) or \$400 per hour, whichever is greater.

WHEREFORE the Plaintiffs, James B. Feinman and Laurel Feinman, move the Court for judgment against Toyota Motor Sales, U.S.A., Inc. in the amount of \$75,000.00 plus attorney fees and costs.

Respectfully submitted,

JAMES B. FEINMAN and  
LAUREL FEINMAN

By: 

Of Counsel

James B. Feinman, Esquire  
VSB#: 28125  
James B. Feinman, Attorney At Law  
1003 Church Street  
P.O. Box 697  
Lynchburg, VA 24505  
(434) 846-7603- telephone  
(434) 846-0158- facsimile  
[jfb@jfeinman.com](mailto:jfb@jfeinman.com)

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**Service of Process  
Transmittal**

06/10/2015

CT Log Number 527270702

**TO:** Dorothy Tsusaki, Administrative Assistant  
Toyota Motor Sales, U.S.A., Inc.  
19001 S Western Ave  
Torrance, CA 90501-1196

**RE:** **Process Served in Virginia**

**FOR:** Toyota Motor Sales, U.S.A., Inc. (Domestic State: CA)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** James B. Feinman and Laurel Feinman, Pltfs. vs. Toyota Motor Sales, U.S.A., Inc., Dft.

**DOCUMENT(S) SERVED:** Summons, Complaint

**COURT/AGENCY:** Lynchburg City Circuit Court, VA  
Case # 680CL1500042100

**NATURE OF ACTION:** Product Liability Litigation - Lemon Law - 2014 Toyota Sienna - VIN: 5TDDK3DC6ES074447

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Glen Allen, VA

**DATE AND HOUR OF SERVICE:** By Process Server on 06/10/2015 at 10:15

**JURISDICTION SERVED :** Virginia

**APPEARANCE OR ANSWER DUE:** Within 21 days after service

**ATTORNEY(S) / SENDER(S):** James B. Feinman  
James B. Feinman, Attorney at Law  
1003 Church Street  
Lynchburg, VA 24505  
434-846-7603

**REMARKS:** -

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/10/2015, Expected Purge Date: 06/15/2015  
Image SOP  
Email Notification, Shari Goldsworthy shari\_goldsworthy@toyota.com  
Email Notification, Ellen L Farrell Ellen\_L\_Farrell@Toyota.com  
Email Notification, Dorothy Tsusaki dorothy\_tsusaki@toyota.com

**SIGNED:** C T Corporation System

**ADDRESS:** 4701 Cox Road  
Suite 285  
Glen Allen, VA 23060

**TELEPHONE:** 804-217-7255

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

# COMMONWEALTH OF VIRGINIA



LYNCHBURG CIRCUIT COURT  
Civil Division  
900 COURT STREET P. O. BOX 4  
LYNCHBURG VA 24505  
(434) 455-2620

## Summons

To: TOYOTA MOTOR SALES USA INC  
REGISTERED AGENT  
CT CORPORATION SYSTEM  
4701 COX RD STE 285  
GLEN ALLEN VA 23060

Case No. 680CL15000421-00


The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Wednesday, June 03, 2015

Clerk of Court: EUGENE C. WINGFIELD

by

  
CLERK (DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: FEINMAN, JAMES B; ESQ  
1003 CHURCH ST  
LYNCHBURG VA 24504